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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MILTON CAMACHO PEREZ,

Petitioner,

v.

WILLIAM P. BARR,

Respondent.

Case No. 2:21-cv-00139-RFB-NJK

ORDER

Petitioner Milton Camacho Perez filed a *pro se* habeas corpus petition under 28 U.S.C. § 2241, which appears to challenge his continued detention by U.S. Immigration and Customs Enforcement with no bond hearing (ECF No. 1-1). His application to proceed *in forma pauperis* (ECF No. 3) is granted.

Aliens who are held in custody under 8 U.S.C. § 1226(a), while their petitions for review of their removal orders are pending, are entitled to a bond hearing before an Immigration Judge (IJ). See *Casas–Castrillon v. Department of Homeland Sec.*, 535 F.3d 942, 951 (9th Cir. 2008). If they are dissatisfied with the IJ's bond determination, they may file an administrative appeal so that "the necessity of detention can be reviewed by . . . the [Board of Immigration Appeals] (BIA)." *Prieto–Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008). If they remain dissatisfied, they may file a petition for habeas corpus in the district court. See *Singh v. Holder*, 638 F.3d 1196, 1200–03 (9th Cir. 2011).

1 Here, while Perez states that he has exhausted all available administrative
2 remedies, it is unclear whether this is accurate. Having conducted a preliminary review
3 of the petition, the court directs that it be served on respondents.

4 **IT IS THEREFORE ORDERED** that petitioner's application to proceed in forma
5 pauperis (ECF No. 3) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Clerk detach, file, and serve copies of the
7 petition (ECF No. 1-1), the motion for appointment of counsel (ECF No. 1-2) and this order
8 upon respondents as follows:

9 1. By having the United States Marshal, on or before the close of business on the
10 date that this order is entered, serve a copy of the petition (ECF No. 1-1), the motion for
11 appointment of counsel (ECF No. 1-2) and this order on the United States Attorney for
12 the District of Nevada or on an Assistant United States Attorney or clerical employee
13 designated by the United States Attorney pursuant to Rule 4(i)(1)(A) of the Federal Rules
14 of Civil Procedure.

15 2. By sending a copy of the petition (ECF No. 1-1), the motion for appointment of
16 counsel (ECF No. 1-2) and this order by registered or certified mail to the following: (1)
17 the Honorable William Barr, Attorney General of the United States, Department of Justice,
18 950 Pennsylvania Ave. NW, Washington, DC 20530; (2) the Honorable Chad Wolf, Acting
19 Secretary of the U.S. Department of Homeland Security, Washington, DC 20528; (3)
20 Bryan S. Wilcox, Field Office Director, United States Immigration and Customs
21 Enforcement, 501 Las Vegas Boulevard, South, Las Vegas, NV 89101; and (4) Warden,
22 Henderson Detention Center, 18 East Basic Road, Henderson, NV 89015.

23 **IT IS FURTHER ORDERED** that respondents **FILE AND SERVE** an answer or
24 other response to the petition (ECF No. 1-1) and a response to the motion for appointment
25 of counsel (ECF No. 1-2) within **20 days** of the date that this order is entered, unless for
26 good cause additional time is allowed.

1 **IT IS FURTHER ORDERED** that respondents and petitioner file all exhibits with a
2 separate index of exhibits identifying the exhibits by number or letter. The parties will
3 identify the CM/ECF attachments that are filed by the number or numbers (or letter or
4 letters) of the exhibits in the attachment. The parties will send a hard copy (courtesy
5 copy) of all pleadings and exhibit indices only on the date of filing to the staff attorneys,
6 in care of the Office of the Clerk of Court, United States District Court, 400 South Virginia
7 St., Reno, NV 89501.
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10 DATED: 14 May 2021.

A handwritten signature in black ink, consisting of a large, stylized 'R' with a horizontal line extending to the right and a vertical line extending downwards, crossing the horizontal line.

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12 _____
13 RICHARD F. BOULWARE, II
14 UNITED STATES DISTRICT JUDGE
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